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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 ADRIENNE BRIDGES,

12 Plaintiff,

13 v.

14 STATE OF CALIFORNIA  
15 DEPARTMENT OF CORRECTIONS  
AND REHABILITATIONS,

16 Defendant.  
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Case No. 2:20-cv-02207-KJM-JDP (PS)

SCREENING ORDER THAT PLAINTIFF:

(1) NOTIFY THE COURT THAT SHE WILL  
PROCEED ONLY AGAINST THE STATE OF  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND WILL  
VOLUNTARILY DISMISS OTHER  
DEFENDANTS;

(2) FILE AN AMENDED COMPLAINT; OR

(3) NOTIFY THE COURT THAT SHE  
WISHES TO STAND BY HER INITIAL  
COMPLAINT, SUBJECT TO DISMISSAL OF  
DEFENDANTS SPECIFIED IN THIS ORDER

SIXTY-DAY DEADLINE

ECF No. 1

ORDER GRANTING MOTION TO  
PROCEED IN FORMA PAUPERIS

ECF No. 2

25 Plaintiff seeks authority under 28 U.S.C. § 1915 to proceed *in forma pauperis* and has  
26 submitted the affidavit required thereunder, showing that she is unable either to prepay fees and  
27 costs or to give security for them. ECF No. 2. The court will therefore grant plaintiff's motion to  
28 proceed *in forma pauperis*. However, for the reasons explained below, the court will not yet

1 direct a United States Marshal to serve the defendant. *See* Fed. R. Civ. P. 4(c)(3).

2 As required by 28 U.S.C. § 1915(e)(2), the court has screened plaintiff's complaint to  
3 ensure that it contains "a short and plain statement of the claim showing that the pleader is  
4 entitled to relief." Fed. R. Civ. P. 8(a)(2). To survive screening, plaintiff's claims must be  
5 facially plausible, which requires sufficient factual detail to allow the court reasonably to infer  
6 that each named defendant is liable for the misconduct alleged. *Ashcroft v. Iqbal*, 556 U.S. 662,  
7 678. The court must construe liberally a pro se litigant's complaint. *See Haines v. Kerner*, 404  
8 U.S. 519, 520 (1972) (per curiam). Still, the court may dismiss a pro se litigant's complaint "if it  
9 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which  
10 would entitle him to relief." *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017).

11 Plaintiff is a Black woman employed as recreation therapist by the State of California  
12 Department of Corrections and Rehabilitation. ECF No. 1 at 5, 10. She alleges that her employer  
13 discriminated against her because of her race, in violation of Title VII of the Civil Rights Act of  
14 1964, as codified by 42 U.S.C. §§ 2000e-2000e-17. *Id.* at 2. Plaintiff alleges that her employer—  
15 motivated by racial animus—placed an adverse notation in her employment record, assigned  
16 more work to her than to her peers, denied her an annual merit raise, denied her an educational  
17 reimbursement, spoke poorly about her to her peers, and took several other adverse employment  
18 actions. *See id.* at 3-6. Plaintiff alleges that these discriminatory acts occurred between October  
19 2018 and November 2019. *Id.* at 3. On October 17, 2019, plaintiff filed a charge with the Equal  
20 Employment Opportunity Commission ("EEOC"). *Id.* at 6. On September 3, 2020, she received  
21 from the EEOC notice that her case had been closed and a Notice of Right to Sue. *Id.* at 6, 13-14.  
22 Plaintiff timely filed suit in federal court on November 3, 2020. *Id.* at 1.

23 Accepting plaintiff's allegations as true, her complaint sufficiently states a Title VII claim  
24 against the California Department of Corrections and Rehabilitation for unlawful employment  
25 discrimination based on race. However, in her complaint, plaintiff has also listed the California  
26 Attorney General as a party. *Id.* at 1. Plaintiff has made no factual claims against either the  
27 Attorney General or any of its agents. Therefore, plaintiff has not stated a claim against the  
28 Attorney General of California. Relatedly, in the caption of her complaint, plaintiff lists "Does 1-

20” as defendants, but thereafter does not describe any specific actions taken by unnamed parties; indeed the body of her complaint makes no mention of any “Doe.” Therefore, plaintiff has not stated a claim against “Does 1-20.” Since plaintiff’s complaint does not state a cognizable legal claim against “Does 1-20” or the Attorney General, plaintiff may either proceed only with her claim against the Department of Corrections and Rehabilitation, or she may delay serving any defendant and file an amended complaint.

Should plaintiff choose to amend the complaint, the amended complaint should be brief, Fed. R. Civ. P. 8(a), but must specify the actions of each defendant that led to a violation of plaintiff’s rights, *see Iqbal*, 556 U.S. at 678. Plaintiff must set forth “sufficient factual matter . . . to ‘state a claim to relief that is plausible on its face.’” *Id.* at 678 (internal quotations omitted). Plaintiff must allege that each defendant personally participated in the deprivation of her rights. She should describe any harm she suffered from the violation of her rights.

Any amended complaint will supersede the original complaint, *Lacey v. Maricopa County*, 693 F. 3d 896, 907 n.1 (9th Cir. 2012) (en banc), and must be complete on its face without reference to the prior pleading, *see* E.D. Cal. Local Rule 220. Once an amended complaint is filed, previous complaints no longer serve any function in the case. Therefore, in an amended complaint, as in an original complaint, each claim and the involvement of each defendant must be sufficiently alleged. The amended complaint should be titled “First Amended Complaint,” refer to the appropriate case number, and be an original signed under penalty of perjury.

In accordance with the above, it is hereby ordered that:

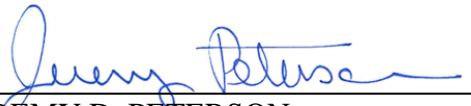
1. plaintiff’s motion to proceed *in forma pauperis*, ECF No. 2, is granted;
2. plaintiff’s complaint, ECF No. 1, states a viable Title VII claim against defendant State of California Department of Corrections and Rehabilitation;
3. within sixty days, plaintiff shall return the notice below advising whether she elects to:  
(1) proceed with her Title VII claim against the Department of Corrections and Rehabilitation and voluntarily dismiss all other defendants; (2) file an amended complaint; or (3) stand by her complaint and decline to voluntarily dismiss all defendants except for the Department of

1 Corrections and Rehabilitation; and

2 4. failure to comply with any part of this order may result in dismissal of this case.

3  
4 IT IS SO ORDERED.

5 Dated: June 17, 2021

  
JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF CALIFORNIA  
3

4 ADRIENNE BRIDGES,

5 Plaintiff,

6 v.

7 STATE OF CALIFORNIA  
8 DEPARTMENT OF CORRECTIONS  
AND REHABILITATIONS,

9 Defendant.  
10

Case No. 2:20-cv-02207-KJM-JDP (PS)

NOTICE OF ELECTION

11 In accordance with the court's Screening Order, plaintiff hereby elects to:

12 (1) \_\_\_\_\_ proceed only with her Title VII claims against defendant State of California  
13 Department of Corrections and Rehabilitation. Selecting this option obligates plaintiff voluntarily  
14 to dismiss the other defendants;

15 (2) \_\_\_\_\_ delay serving any defendant and file an amended complaint;

16 OR

17 (3) \_\_\_\_\_ proceed with her Title VII claim against defendant State of California  
18 Department of Corrections and Rehabilitation, stand by her complaint, and not voluntarily  
19 dismiss her other claims. If plaintiff selects this option, I will recommend dismissal of the other,  
20 non-cognizable claims and plaintiff will have 14 days to file her objections.  
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23 \_\_\_\_\_  
24 Plaintiff

25 Dated:  
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